

Serial No. 09/615,188

Page 13 of 15

REMARKS

Claims 1-15 have been canceled, and claims 16-34 remain pending in the application.

Applicants amend claim 27 for clarification, and amend claims 20, 23-24, and 30 to independent form. No new matter has been added

Applicants respectfully request that the Examiner acknowledge the § 119 priority claim and receipt of priority documents from Japanese Patent Application No. HEI 8-320582 via parent application No. 08/897,295, now U.S. Patent No. 6,118,795. Applicants further request that the Examiner consider the Information Disclosure Statement ("IDS") filed on March 12, 2004 for this application, and return a signed and initialed copy of the PTO-1449 form attached thereto indicating consideration of the listed reference. Applicants also respectfully request that the Examiner indicate acceptance of the drawings.

Applicants acknowledge with appreciation the Examiner's allowance of claims 25 and 26, and the finding that claims 20, 23-24, and 30 contain allowable subject matter. Applicants amend claims 20, 23-24, and 30 to independent form incorporating all features from their respective base claims. Accordingly, Applicants respectfully request that the Examiner allow claims 20, 23-24, and 30.

Claim 27 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. Applicants amend claim 27 to remove the term "compulsorily," and respectfully submit that the claim, as amended, clearly recites the invention. Accordingly, Applicants respectfully request that the Examiner withdraw the § 112, ¶ 2 rejection.

Serial No. 09/615,188

Page 14 of 15

Claims 16-19, 21, 22, 28, 29 and 31-34 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,751,720 to Uematsu et al.

Uematsu et al. merely describe 3X pairs of H1 and H2 bytes that are constantly monitored. Please see, e.g., col. 5, lines 46-59. Therefore, Uematsu et al. do not disclose monitoring a change in a pointer processing result of a pointer processing section to identify a frame size of a transmission frame based on a monitored pointer processing result, as claimed. Indeed, the system described in Uematsu et al. cannot identify the frame size if H1 and H2 have errors, and requires a "confirmation process" that includes receiving "AU-size map [that] is identically received through a prescribed number of frames." Col. 5, lines 53-57 of Uemastu et al. Thus, Uematsu et al., as cited and relied upon by the Examiner, fail to disclose

"[a]n apparatus comprising:

a pointer processing section for processing a pointer contained in a transmission frame including one or more channel data; and

a frame identification section performing monitoring a change in a pointer processing result of said pointer processing section for each of the channel data to identify a frame size of said transmission frame based on a monitored pointer processing result," as recited in claim 16. (Emphasis added)

Accordingly, Applicants respectfully submit that claim 16 is patentable over Uematsu et al. for at least the above-stated reasons. Claims 17-19, 21, 22, 27-29, and 31-34 incorporate features that correspond to those of claim 16 cited above, and are, therefore, patentable over Uematsu et al. for at least the same reasons.

The above statements on the disclosures in the cited references represent the present opinions of the undersigned attorney. The Examiner is respectfully requested to specifically

Serial No. 09/615,188

Page 15 of 15

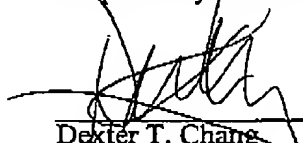
indicate those portions of the respective reference that provide the basis for a view contrary to any of the above-stated opinions.

Applicants appreciate the Examiner's implicit finding that the additional references made of record, but not applied, do not render the claims of the present application unpatentable, whether these references are considered alone or in combination with others.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,


Dexter T. Chang
Reg. No. 44,071

CUSTOMER NUMBER 026304
Telephone: (212) 940-8800
Fax (212) 940-8986
Docket No.: FUJS 14.380A (100794-10769)
DTC:fd